

INSTRUCTION NO. [5-220(ii)]

**[Issues in Stalking]**

***[For offenses committed on or after October 1, 2003]***

To convict an individual of stalking, the State must prove the following:

1. That the Defendant caused the victim substantial emotional distress or reasonable apprehension of bodily injury; and
2. That the Defendant caused the victim this substantial emotional distress or reasonable apprehension of bodily injury by: [following the stalked person] [harassing, threatening, or intimidating the stalked person in person or by phone, by mail, electronic communication, or any other action, device or method]; and
3. That the Defendant engaged in the conduct repeatedly; and
4. That the Defendant acted purposely or knowingly.

If you find from your consideration of the evidence that all of these elements have been proved beyond a reasonable doubt, then you should find the Defendant guilty.

If, on the other hand, you find from your consideration of all the evidence that any of these elements has not been proved beyond a reasonable doubt, then you should find the Defendant not guilty.

GIVEN: \_\_\_\_\_  
District Judge

Source: MCJI 5-220(ii)

Plaintiff's Proposed Instruct. No. \_\_\_\_ Defendant's Proposed Instruct. No. \_\_\_\_

Given as Instruction No. \_\_\_\_ Refused \_\_\_\_ Withdrawn \_\_\_\_ By \_\_\_\_

**[Issues in Stalking as defined after October 1, 2003, Source and Comments]**

SOURCE: MCA § 45-5-220 (2003).

COMMENT: Cite as MCJI 5-220(ii).

The stalking statute was amended in 2003 by deleting the language "...or by phone" and including instead the terms "electronic communication." Use this version of the definition of stalking for offenses committed on or after October 1, 2003.

Use only the applicable bracketed language. Delete that which is not applicable.